AMENDMENTS TO THE CLAIMS

1 - 14. (Cancelled)

15. (Currently Amended) An access unit which accesses a record medium, the record medium including a user area for recording user data which is recorded and regenerated based on an instruction given by a user, the access unit comprising:

a recording section for recording test data based on a predetermined test condition in the user area during recording of the user data in the user area;

a reading section for reading the test data recorded in the user area by the recording section; and

an adjusting section for referring to the test data read by the reading section, and adjusting an access parameter for accessing the record medium.

16. (Previously Presented) The access unit according to claim 15, further comprising a registering section for registering a test-record area in which the test data is recorded within the user area.

17. (Previously Presented) The access unit according to claim 16, wherein the registering section registers the test-record area as a defective area.

18. (Currently Amended) The access unit according to claim 15, wherein the recording section records the test data in a position which is a predetermined distance ~~apart~~ from, in ~~the radius directions~~ a radial direction of the record medium, ~~from~~ a position in which user data is recorded within the user area.

19. (Currently Amended) The access unit according to claim 18, wherein the recording section begins recording the test data from a position which is a predetermined distance ~~apart~~ from, in the ~~radius directions~~ radial direction of the record medium, ~~from~~ a position in which user data finishes being recorded within the user area, and begins recording user data from a position

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which is a predetermined distance ~~apart~~ from, in the ~~radius directions~~radial direction of the record medium~~, from~~ a position in which the test data finishes being recorded.

20. (Currently Amended) The access unit according to claim 19, further comprising a registering section for registering, as ~~a~~ defective ~~area~~areas, a test-record area in which the test data is recorded within the user area, an area from a position in which user data finishes being recorded to a position in which the test data begins being recorded, and an area from a position in which the test data finishes being recorded to a position in which user data begins being recorded.

21. (Currently Amended) The access unit according to claim 18, wherein the recording section:

~~begins recording~~records the test data beginning from a position which is a predetermined distance ~~apart~~ from, in the ~~radius directions~~radial direction of the record medium~~, from~~ a position in which user data finishes being recorded within the user area;

executes a return from a position in which the test data finishes being recorded to the position in which the user data finishes being recorded;

records user data up to the position in which the test data begins being recorded;

executes a movement from the position in which the test data begins being recorded to the position in which the test data finishes being recorded; and

begins recording user data from the position in which the test data finishes being recorded.

22. (Currently Amended) The access unit according to claim 18, wherein the recording section:

~~begins recording~~records the test data beginning from a position which is a predetermined distance ~~apart~~ from, in the radius directions of the record medium~~, from~~ a position in which user data finishes being recorded within the user area;

executes a return from a position in which the test data finishes being recorded to the

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position in which the user data finishes being recorded; and

      begins recording user data from the position in which the user data finishes being recorded.

23. (Previously Presented) The access unit according to claim 15, wherein:

      the reading section reads user data which is already recorded in the user area;

      a record-state detecting section is further provided for detecting a record state of the user data read by the reading section; and

      the recording section records the test data in the user area, based on a record state which is detected by the record-state detecting section.

24. (Previously Presented) The access unit according to claim 23, wherein the record-state detecting section detects at least one of a jitter value, an asymmetry value, an error rate and an M-index of the user data read by the reading section.

25. (Previously Presented) The access unit according to claim 15, wherein the recording section records the test data in a track adjacent to the user data.

26. (Currently Amended) An access method for accessing a record medium, the record medium including a user area for recording user data which is recorded and regenerated based on an instruction given by a user, ~~including~~said access method comprising:

      ~~a recording step of~~recording test data based on a predetermined test condition in the user area during recording of the user data in the user area;

      ~~a reading step of~~reading the test data recorded in the user area in the ~~the~~said recording ~~step~~operation; and

      ~~an adjusting step of~~referring to the test data read in the reading ~~step~~operation, and adjusting an access parameter for accessing the record medium.

27. (Currently Amended) ~~A computer-readable recording medium recorded with an access~~

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~~program for accessing a record medium, the record medium including a user area for recording~~
~~user data which is recorded and regenerated based on an instruction given by a user, allowing,~~

~~an~~ An access unit which includes a recording section for recording data in a record medium <u>that includes a user area for recording user data which is recorded and regenerated based on an instruction given by a user,</u> ~~and~~ a reading section for reading data from ~~a~~ <u>the</u> record medium, ~~to function as:~~<u>and a computer-readable recording medium having recorded thereon an access program for causing the access unit to execute at least the following:</u>

~~a record instructing section for~~ instructing the recording section to record test data based on a predetermined test condition in the user area <u>during recording of the user data in the user area</u>;

~~a read instructing section for~~ instructing the reading section to read the test data recorded in the user area by the recording section; and

~~an adjusting section for~~ referring to the test data read by the reading section, and adjusting an access parameter for accessing the record medium.

28. (Currently Amended) A control unit which controls an access unit, the access unit including a recording section for recording data in a record medium and a reading section for reading data from a record medium, the record medium including a user area for recording user data which is recorded and regenerated based on an instruction given by a user, <u>the control unit</u> comprising:

a record instructing section for instructing the recording section to record test data based on a predetermined test condition in the user area <u>during recording of the user data in the user area</u>;

a read instructing section for instructing the reading section to read the test data recorded in the user area by the recording section; and

an adjusting section for referring to the test data read by the reading section, and adjusting an access parameter for accessing the record medium.